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FORMAL COMMUNICATION

Date: November 7, 2002

To: Examiner John S. Brusca
United States Patent and Trademark Office

Facsimile No. (703) 746-5137

From: James S. Keddie (Reg. No. 48,920)

Re: **Formal Communication**
U.S. Application Serial No. 09/297,648
Inventors: Lewis T. Williams
Our Reference: 2300-1481

Message: Examiner Brusca:

Attached please find a copy of the RCE transmittal, which was included with our filing of November 1, 2002.

Please call me at 650-833-7723 if I can answer any questions.

Thank you!

Total number of pages, including this cover sheet: 2

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Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000 provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	Application Number	09/297,648
	Filing Date	March 10, 2000
	First Named Inventor	WILLIAMS, LEWIS T.
	Group Art Unit	1631
	Examiner Name	BRUSCA, JOHN S.
	Attorney Docket Number	2300-1481

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (c) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. ☐ Previously submitted

 i ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
 (Any unentered amendment(s) referred to above will be entered).

 ii ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

 iii ☐ Other _____

b. ☒ Enclosed

 i ☒ Amendment/Reply

 ii ☒ Affidavit(s)/Declaration(s)

 iii ☐ Information Disclosure Statement (IDS)

 iv ☐ Other _____

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17 (e) is required by 37 C.F.R. § 1.114 when RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0815

 i ☒ RCE fee required under 37 C.F.R. § 1.17 (e)

 ii ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

 iii ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2036 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	James S. Keddie, Ph.D.	Registration No. (Attorney/Agent)	48,920
Signature	<i>James S. Keddie</i>	Date	November 1, 2002

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

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AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.111 Address to: Box AF Assistant Commissioner for Patents Washington, D.C. 20231	Application Number	09/297,648
	Confirmation Number	1096
	Filing Date	March 10, 2000
	First Named Inventor	Williams et al.
	Examiner	J. Brusca
	Group Art	1631
	Attorney Docket No.	2300-1481

Sir:

This amendment is filed concurrently with a Request for Continued Examination.

A Notice of Appeal was filed on April 1, 2002 and Petition for a 5-Month Extension of Time is submitted herewith, making this amendment due on or before November 1, 2002. Accordingly, this response is timely filed.

A Declaration of Dr. Christopher Somerville under 37 C.F.R. § 1.132 is filed concurrently with this response.

In view of the remarks put forth below, reconsideration and allowance are respectfully requested.

IN THE CLAIMS

Please cancel all the pending claims of the application 09/297,648 without prejudice to renewal and simultaneously add new claims 146-154 for prosecution, as shown below.

146. (New) An isolated polynucleotide comprising at least 50 contiguous nucleotides of a sequence selected from SEQ ID NO:253 and the complement thereof.

DI 147. (New) A vector comprising a polynucleotide of claim 146.